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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,635	08/29/2001	Nader Asghari-Kamrani		5599

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NADER ASGHARI-KAMRANI  
6558 PALISADES DRIVE  
CENTERVILLE, VA 20121

EXAMINER

NOBAHAR, ABDULHAKIM

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,635

Applicant(s)

ASGHARI-KAMRANI ET AL.

Examiner

Abdulkhakim Nobahar

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. ~~09/14/05~~
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

Applicants arguments filed August 30, 2005 have been fully considered and are persuasive. However, recently discovered prior art necessitate new ground of rejection. The delay in citation of the recently discovered prior art is regretted.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Brachtl et al (4,747,050; hereinafter Brachtl).

1. Regarding claim 1, Brachtl discloses a method for identifying an individual over a communication network (see, for example, abstract; col. 6, line 41-51) comprising:

a User that needs to be identified in e-commerce (see, for example, col. 1, line 54-58);

a Central-Entity that provides digital identity to the Users to positively identify themselves in e-commerce (see, for example, abstract; col. 2, lines 40-44; col. 5, lines

Art Unit: 2132

9-15, where the card-issuing agency corresponds to the recited central-entity that assigns to the user an identifying code);

an external-entity offering goods or services and needs to authenticate the users in e-commerce (see, for example, abstract; col. 2, lines 40-44; col. 5, lines 15-20; col. 6, lines 41-51, where the local centers and the retail stores corresponds to the recited external-entity);

a communication network for the User, the central-entity and the external-entity to send and receive information between each other (see, for example, col. 6, line 41-64; Fig. 1).

Whereby the External-Entity may forward digital identity received from a User to the Central-Entity for authentication (see, for example, abstract; col. 10, lines 3-7; col. 11; lines 22-34; col. 12, lines 19-27; col. 13, lines 18-24; col. 16, lines 34-41).

2. Regarding claim 2, Brachtl discloses a digital identity includes SecureCode and other information such as UserName (see, for example, col. 5, lines 15-25; col. 7, lines 7-18).

3. Regarding claim 3, Brachtl discloses a SecureCode is a dynamic, non-predictable and time dependent alphanumeric code, secret code, PIN or other code (see, for example, col. 4, lines 47-55; col. 5, lines 27-32; col. 10, lines 14-27; col. 13, lines 43-47).

Art Unit: 2132

4. Regarding claim 4, Brachtl discloses a communication network includes Internet, wireless and private networks (see, for example, Fig. 1).

5. Regarding claim 5, this claim is rejected as applied to the like elements of claims 1-4 as stated above and further the following:

Brachtl discloses a system and a method for identifying an individual (see, for example, abstract; col. 6, line 41-51) comprising the steps:

The user registers at the Central-Entity (see, for example, col. 7, lines 7-14, where preparation of user cards is functionally equivalent to user registration);

The user provides his personal and/or financial information to the Central-Entity (see, for example, col. 1, lines 60-67; col. 6, lines 41-51; col. 7, lines 7-14);

The user receives his unique UserName and Password from the Central-Entity (see, for example, col. 7, lines 7-18, where PAN, KP and PIN are unique to the user);

The user attempts to get access to a restricted web site or to buy goods and/or services from an External-Entity (see, for example, abstract; Fig. 1);

The External-Entity requests the user to authenticate himself using his digital identity (see, for example, abstract; col. 2, lines 40-44; col. 5, lines 15-20; col. 6; col. 19, lines 60-67);

The user requests SecureCode from the Central-Entity (see, for example, col. 6, lines 59-64; col. 7, lines 7-14, where the user receives his unique PAN and PIN);

Art Unit: 2132

The Central-Entity generates dynamic, non-predictable and time dependable SecureCode for the user (see, for example, col. 4, lines 47-55; col. 5, lines 27-32; col. 10, lines 14-27; col. 13, lines 43-47);

The Central-Entity stores a copy of the SecureCode and sends out the SecureCode to the user over a communication network (see, for example, col. 7, lines 7-14;);

The user receives the SecureCode over a communication network (see, for example, abstract; col. 6, lines 59-64; col. 7, lines 7-14, where it is inherent in Brachtl that user communicate with the issuer over a communication network);

The user submits his SecureCode as part of the digital identity in response to External-Entity's request (see, for example, abstract; col. 6, lines 55-60; col. 16, lines 35-41);

The External-Entity forwards the user's digital identity along with the identification and authentication request to the Central-Entity over a communication network (see, for example, abstract; col. 10, lines 3-7; col. 11; lines 22-34; col. 12, lines 19-27; col. 13, lines 18-24; col. 16, lines 34-41);

The Central-Entity retrieves the user's digital identity including the SecureCode from the system (see, for example, abstract; col. 12, lines 19-27);

The Central-Entity compares the retrieved users digital identity with the digital identity received from the External-Entity (see, for example, abstract; col. 13, lines 18-24);

The Central-Entity sends approval identification and authorization message to the External-Entity when the digital identity forwarded to the Central-Entity, matches the users digital identity retrieved from the system (see, for example, abstract, where the response generated and transmitted by the issuer to a retail terminal would indicate the approval of the user PIN if the two computed values at the retail terminal and at the issuer data processing center, based on the information provided by the user, compare);

The Central-Entity sends a denial identification and authorization message to the External-Entity when the digital identity forwarded to the Central-Entity does not match the users digital identity retrieved from the system (see, for example, abstract, where the response generated and transmitted by the issuer to a retail terminal would indicate the denial of the user PIN if the two computed values at the retail terminal and at the issuer data processing center, based on the information provided by the user do not, compare).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 4,965,568 to Atalla et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

Art Unit: 2132

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulahkim Nobahar  
Examiner  
Art Unit 2132

*A.N.*

September 19, 2005

*Gilberto Barron*  
GILBERTO BARRON JA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100